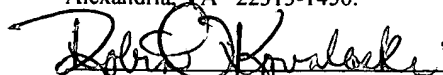




Ifw

CERTIFICATE OF MAILING (37 C.F.R. § 1.10)

I hereby certify that this *Response to Notice of Non-Compliant Amendment* is being deposited with U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Robin Ortwein-Kovaleski

February 9, 2006  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Howard Roberts  
Appl. No. : 10/816,347  
Filed : April 1, 2004  
Title : **Luggage Device With Built-In Load Determination**  
Grp/A.U. : 2841  
Examiner : Randy W. Gibson  
Docket No. : 362 (re: FPI-101A)  
Customer No. : 46359

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

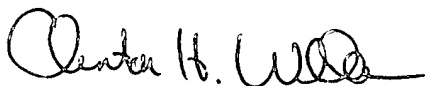
**Response to Notice of Non-Compliant Amendment (37 CFR 1.121)**

Sir:

In response to the "*Notice of Non-Compliant Amendment*" mailed January 11, 2006, enclosed is an amended copy of Applicant's drawing Sheet 2/5 submitted with its Amendment filed on December 28, 2005. Applicant is now submitting Sheet 2/5 with the appropriate heading "**Replacement Sheet**" in the top margin in compliance with 37 CFR 1.121. Sheet 2/5 contains FIGS. 2-4 with new reference numeral 39 shown in FIGS. 3 and 4 pointing to a base member.

It is not believed that any fees are due for this submission. However, the Commissioner is hereby authorized to charge payment of any additional fees due or credit any overpayment to Deposit Account No. 15-0385.

Respectively submitted,



Clinton H. Wilkinson  
Attorney for Applicant  
Registration No. 43,267

Date: February 9, 2006

Law Offices of Charles A. Wilkinson  
68 East Broad Street  
P.O. Box 1426  
Bethlehem, PA 18016-1426  
Phone : 610/867-9700



## Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No. 10810347

Applicant(s)

Examiner

Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 12/30/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

### THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☒ 3. Amendments to the drawings:
  - ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☒ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_
- ☐ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_
- ☐ 5. The amendment is unsigned or not signed in accordance with 37 CFR 1.4.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

### TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121 or 1.4, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Perry Garbush  
Legal Instruments Examiner (LIE)

1/10/06  
Telephone No.